

**ENTERED**

August 16, 2016

David J. Bradley, Clerk

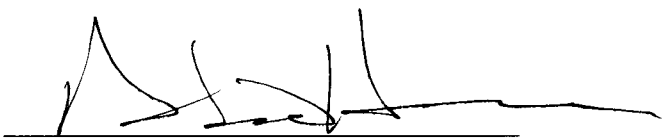
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISIONOFELIA VALLIN-NIEVES,  
Petitioner,

VS.

UNITED STATES OF AMERICA,  
Respondent.§  
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§CIVIL ACTION NO. B-16-136  
(CRIMINAL NO. B-14-142-1)**ORDER**

Pending is the Magistrate Judge's July 5, 2016, Report and Recommendation in the above-referenced cause of action. [Doc. No. 5] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed all of the pleadings and the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation [Doc. No. 5] is hereby adopted. Therefore, Petitioner Ofelia Vallin-Nieves's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is dismissed because she waived her right to file this petition. In the alternative, even if the right to file this petition was not waived, Vallin-Nieves's claims are legally and substantively meritless and is denied. Further, the issuance of a certificate of appealability is denied.

Signed this 16 day of August, 2016.

  
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Andrew S. Hanen  
United States District Judge